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| 09/994,472      | 11/26/2001  | Pekka Kostainen      | 944-003.120         | 7231             |

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EXAMINER

PHAN, HUY Q

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2685     | 4            |

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/994,472

Applicant(s)

KOSTIAINEN, PEKKA

Examiner

Huy Q Phan

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to because of the following informalities:

In page 1, line 24, "over" should be changed to - - cover - -.

In page 7, line 4, "500" should be changed to - - 100 - -.

In page 7, line 19, "phony" should be changed to - - phone - -.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6, 8, 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kita (US-6,263,218).

Regarding claim 1, Kita discloses in figure 1, a method of transferring data in a device comprising a device body (21) and a device accessory (26 or 27) having a functionality, wherein the data comprises a sequence of data segments (col. 16, lines 40-67), said method comprising the steps of:

conveying a ringing tone signal from the device body to the device accessory (col. 4, lines 25-64), wherein the ringing tone signal comprises a sequence of frequencies indicative of the sequence of data segments (col. 16, lines 40-67),

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receiving the ringing tone signal by the device accessory (col. 17, lines 33-26),  
retrieving the sequence of data segments from the received ringing tone signal  
based on the sequence of frequencies in the received ringing tone signal (col. 17, lines  
33-36), and  
using the retrieved sequence of data segments for effecting the functionality (col.  
17, lines 36-45).

Regarding claim 2, Kita discloses a method as recited in the rejection of claim 1,  
further comprising the step of relating different frequencies or frequency ranges to  
different data segments prior to the conveying step (col. 16, lines 27-49).

Regarding claim 3, Kita discloses a method as recited in the rejection of claim 2,  
further comprising the step of arranging the related frequencies according to the  
sequence of the data segments for providing at least one part of the ringing tone, prior  
to the conveying step (col. 18, line 1).

Regarding claim 4, Kita discloses a method as recited in the rejection of claim 2,  
wherein each data segment comprises two or more bits to form a bit pattern (col. 16,  
lines 64-67).

Regarding claim 5, Kita discloses a method as recited in the rejection of claim 4,  
wherein at least one of the frequency ranges is related to a repeating signal for

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indicating the repetition of a bit pattern (col. 18, lines 8-15).

Regarding claim 6, Kita discloses a method as recited in the rejection of claim 1, wherein the functionality can be changed by a programming data having a further sequence of data segments and the sequence of frequencies is further indicative of the further sequence of data segments (col. 19, lines 26-42 and col. 22, lines 3-10).

Regarding claim 8, Kita discloses in figure 1, a system for transferring data in a device having a device body (21) and a device accessory (26 or 27), wherein the device body is capable of providing a ringing tone signal (col. 4, lines 46-54) comprising a sequence of frequencies (col. 16, lines 40-67), and the device accessory has a functionality and an effecting mechanism to effect the functionality (col. 17, lines 33-44), and wherein the data comprises a sequence of data segments (col. 16, lines 40-67), the system comprising:

a first mechanism, disposed in the device accessory, for receiving the sequence of frequencies indicative of the sequence of data segments (col. 17, lines 33-44); and

a second mechanism, disposed in the device accessory, adapted to retrieve the sequence of data segments from the received sequence of frequencies in the ringing tone signal, for allowing the effecting mechanism to effect the functionality of the device accessory based on the retrieved sequence of data segments (col. 17, lines 33-44).

Regarding claim 10, Kita discloses a system as recited in the rejection of claim 8,

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wherein the functionality can be changed by a programming data having a further sequence of data segments and the sequence of frequencies is further indicative of the further sequence of data segments, and wherein the second mechanism is capable of retrieving the further sequence of data segments from the sequence of frequencies for allowing the effecting mechanism to change the functionality based on the programming data (col. 19, lines 26-42 and col. 22, lines 3-10).

Regarding claim 11, Kita discloses in figure 1, a mobile terminal having a phone body (21) and a phone accessory (26 or 27), wherein the phone body is capable of receiving an external signal from an external device, and providing a ringing tone signal (col. 4, lines 44-54) having a sequence of frequencies in response to the external signal (col. 16, lines 40-67), and wherein the phone accessory has a functionality (col. 17, lines 33-44), which can be effected by a data having a sequence of data segments provided by the phone body (col. 17, lines 33-44), the mobile terminal comprises:

a first device (24), disposed in the phone body, for conveying the ringing tone signal to the phone accessory (col. 4, lines 45-54), wherein the sequence of frequencies indicative of the sequence of data segments (col. 16, lines 40-67); and

a second device, disposed in the phone accessory, for receiving the ringing tone (col. 4, lines 55-64) and retrieving the data sequence from the received ringing tone based on the sequence of frequencies in the received ringing tone (col. 17, lines 33-37) so as to allow the phone accessory to effect the functionality based on the retrieved data segments (col. 17, lines 37-44).

Regarding claim 12, Kita discloses a mobile terminal as recited in the rejection of claim 11, wherein the external signal is a call signal (col. 4, lines 8-24).

Regarding claim 13, Kita discloses a mobile terminal as recited in the rejection of claim 11, wherein the functionality of the phone accessory can be changed by a programming data having a further sequence of data segments and the sequence of frequencies is further indicative of the further sequence of data segments (col. 19, lines 26-42 and col. 22, lines 3-10).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita.

Regarding claims 7, 9 and 16, Kita discloses a method as recited in the rejections of claims 1, 8 and 11, respectively. Kita further discloses wherein the device is a mobile phone (col. 4, lines 9-10). But, Kita does not particularly show wherein the device accessory comprises a device cover. Since, Kita discloses wherein the device accessory is card-type receiver (thin, light and small) having the functionality (col. 4,

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lines 55-65). However, the examiner takes official notice that it could have been designed the card-type receiver as same as the device cover; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kita by specifically having the device accessory being a device cover having the functionality for purpose of combining two devices as one in order to offer the attachable functions for those two devices.

Regarding claims 14 and 15, Kita discloses a mobile terminal as recited in the rejection of claim 13. But, Kita fails expressly disclose wherein the external signals are a short messaging service signal and a multimedia messaging service signal. However, the examiner takes official notice that short messaging service and multimedia messaging service are extremely well known in wireless communication services. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Kita by specifically having the external signal being a short messaging service signal and multimedia messaging service signal for purpose of increasing the functionality of the mobile terminal in order to enhance the service of wireless communication.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsuda et al. (US-2001/0014616) disclose a portable mobile unit.



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Mitama et al. (US-2001/0012761) disclose a portable mobile unit.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

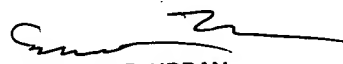
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phan, Huy Q

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Date : Jun. 25, 2004

  
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